

Fill in this information to identify the case:

Debtor name **Aetius Restaurant Group, LLC**

United States Bankruptcy Court for the: WESTERN DISTRICT OF NORTH CAROLINA

Case number (if known) **23-30473**

☐ Check if this is an amended filing

Official Form 202

Declaration Under Penalty of Perjury for Non-Individual Debtors

12/15

An individual who is authorized to act on behalf of a non-individual debtor, such as a corporation or partnership, must sign and submit this form for the schedules of assets and liabilities, any other document that requires a declaration that is not included in the document, and any amendments of those documents. This form must state the individual's position or relationship to the debtor, the identity of the document, and the date. Bankruptcy Rules 1008 and 9011.

WARNING -- Bankruptcy fraud is a serious crime. Making a false statement, concealing property, or obtaining money or property by fraud in connection with a bankruptcy case can result in fines up to \$500,000 or imprisonment for up to 20 years, or both. 18 U.S.C. §§ 152, 1341, 1519, and 3571.

Declaration and signature

I am the president, another officer, or an authorized agent of the corporation; a member or an authorized agent of the partnership; or another individual serving as a representative of the debtor in this case.

I have examined the information in the documents checked below and I have a reasonable belief that the information is true and correct:

- ☒ *Schedule A/B: Assets—Real and Personal Property* (Official Form 206A/B)
- ☒ *Schedule D: Creditors Who Have Claims Secured by Property* (Official Form 206D)
- ☒ *Schedule E/F: Creditors Who Have Unsecured Claims* (Official Form 206E/F)
- ☒ *Schedule G: Executory Contracts and Unexpired Leases* (Official Form 206G)
- ☒ *Schedule H: Codebtors* (Official Form 206H)
- ☒ *Summary of Assets and Liabilities for Non-Individuals* (Official Form 206Sum)
- ☐ *Amended Schedule*
- ☒ *Chapter 11 or Chapter 9 Cases: List of Creditors Who Have the 20 Largest Unsecured Claims and Are Not Insiders* (Official Form 204)
- ☒ Other document that requires a declaration **Statement of Financial Affairs**

I declare under penalty of perjury that the foregoing is true and correct.

Executed on **August 18, 2023**

X /s/ Mark Cote

Signature of individual signing on behalf of debtor

Mark Cote

Printed name

CEO

Position or relationship to debtor

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Official Form 206Sum
Summary of Assets and Liabilities for Non-Individuals

12/15

Part 1: Summary of Assets

1. Schedule A/B: Assets-Real and Personal Property (Official Form 206A/B)

1a. Real property:

Copy line 88 from *Schedule A/B*..... \$ **0.00**

1b. Total personal property:

Copy line 91A from *Schedule A/B*..... \$ **9,362.00**

1c. Total of all property:

Copy line 92 from *Schedule A/B*..... \$ **9,362.00**

Part 2: Summary of Liabilities

2. Schedule D: Creditors Who Have Claims Secured by Property (Official Form 206D)

Copy the total dollar amount listed in Column A, *Amount of claim*, from line 3 of *Schedule D*..... \$ **12,500,000.00**

3. Schedule E/F: Creditors Who Have Unsecured Claims (Official Form 206E/F)

3a. Total claim amounts of priority unsecured claims:

Copy the total claims from Part 1 from line 5a of *Schedule E/F*..... \$ **0.00**

3b. Total amount of claims of nonpriority amount of unsecured claims:

Copy the total of the amount of claims from Part 2 from line 5b of *Schedule E/F*..... +\$ **0.00**

4. Total liabilities
Lines 2 + 3a + 3b

\$ **12,500,000.00**

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Official Form 206A/B Schedule A/B: Assets - Real and Personal Property

12/15

Disclose all property, real and personal, which the debtor owns or in which the debtor has any other legal, equitable, or future interest. Include all property in which the debtor holds rights and powers exercisable for the debtor's own benefit. Also include assets and properties which have no book value, such as fully depreciated assets or assets that were not capitalized. In Schedule A/B, list any executory contracts or unexpired leases. Also list them on *Schedule G: Executory Contracts and Unexpired Leases* (Official Form 206G).

Be as complete and accurate as possible. If more space is needed, attach a separate sheet to this form. At the top of any pages added, write the debtor's name and case number (if known). Also identify the form and line number to which the additional information applies. If an additional sheet is attached, include the amounts from the attachment in the total for the pertinent part.

For Part 1 through Part 11, list each asset under the appropriate category or attach separate supporting schedules, such as a fixed asset schedule or depreciation schedule, that gives the details for each asset in a particular category. List each asset only once. In valuing the debtor's interest, do not deduct the value of secured claims. See the instructions to understand the terms used in this form.

Part 1: Cash and cash equivalents

1. Does the debtor have any cash or cash equivalents?

- ☒ No. Go to Part 2.
☐ Yes Fill in the information below.

All cash or cash equivalents owned or controlled by the debtor

Current value of debtor's interest

Part 2: Deposits and Prepayments

6. Does the debtor have any deposits or prepayments?

- ☒ No. Go to Part 3.
☐ Yes Fill in the information below.

Part 3: Accounts receivable

10. Does the debtor have any accounts receivable?

- ☐ No. Go to Part 4.
☒ Yes Fill in the information below.

11. **Accounts receivable**

11a. 90 days old or less:	9,362.00	-	0.00	=	\$9,362.00
	face amount		doubtful or uncollectible accounts		

12. **Total of Part 3.**

Current value on lines 11a + 11b = line 12. Copy the total to line 82.

\$9,362.00

Part 4: Investments

13. Does the debtor own any investments?

- ☒ No. Go to Part 5.
☐ Yes Fill in the information below.

Part 5: Inventory, excluding agriculture assets

18. Does the debtor own any inventory (excluding agriculture assets)?

Debtor **Aetius Restaurant Group, LLC**
Name

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- ☐ No. Go to Part 6.
☐ Yes Fill in the information below.

Part 6: Farming and fishing-related assets (other than titled motor vehicles and land)

27. Does the debtor own or lease any farming and fishing-related assets (other than titled motor vehicles and land)?

- ☐ No. Go to Part 7.
☐ Yes Fill in the information below.

Part 7: Office furniture, fixtures, and equipment; and collectibles

38. Does the debtor own or lease any office furniture, fixtures, equipment, or collectibles?

- ☐ No. Go to Part 8.
☐ Yes Fill in the information below.

Part 8: Machinery, equipment, and vehicles

46. Does the debtor own or lease any machinery, equipment, or vehicles?

- ☐ No. Go to Part 9.
☐ Yes Fill in the information below.

Part 9: Real property

54. Does the debtor own or lease any real property?

- ☐ No. Go to Part 10.
☐ Yes Fill in the information below.

Part 10: Intangibles and intellectual property

59. Does the debtor have any interests in intangibles or intellectual property?

- ☐ No. Go to Part 11.
☐ Yes Fill in the information below.

Part 11: All other assets

70. Does the debtor own any other assets that have not yet been reported on this form?

Include all interests in executory contracts and unexpired leases not previously reported on this form.

- ☐ No. Go to Part 12.
☐ Yes Fill in the information below.

Debtor **Aetius Restaurant Group, LLC**
Name

Case number (If known) **23-30473**

Part 12: Summary

In Part 12 copy all of the totals from the earlier parts of the form

Type of property	Current value of personal property	Current value of real property
80. Cash, cash equivalents, and financial assets. <i>Copy line 5, Part 1</i>	\$0.00	
81. Deposits and prepayments. <i>Copy line 9, Part 2.</i>	\$0.00	
82. Accounts receivable. <i>Copy line 12, Part 3.</i>	\$9,362.00	
83. Investments. <i>Copy line 17, Part 4.</i>	\$0.00	
84. Inventory. <i>Copy line 23, Part 5.</i>	\$0.00	
85. Farming and fishing-related assets. <i>Copy line 33, Part 6.</i>	\$0.00	
86. Office furniture, fixtures, and equipment; and collectibles. <i>Copy line 43, Part 7.</i>	\$0.00	
87. Machinery, equipment, and vehicles. <i>Copy line 51, Part 8.</i>	\$0.00	
88. Real property. <i>Copy line 56, Part 9.....></i>		\$0.00
89. Intangibles and intellectual property. <i>Copy line 66, Part 10.</i>	\$0.00	
90. All other assets. <i>Copy line 78, Part 11.</i>	\$0.00	
91. Total. Add lines 80 through 90 for each column	\$9,362.00	\$0.00
92. Total of all property on Schedule A/B. Add lines 91a+91b=92		\$9,362.00

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Official Form 206D

Schedule D: Creditors Who Have Claims Secured by Property

12/15

Be as complete and accurate as possible.

1. Do any creditors have claims secured by debtor's property?

- ☐ No. Check this box and submit page 1 of this form to the court with debtor's other schedules. Debtor has nothing else to report on this form.
- ☒ Yes. Fill in all of the information below.

Part 1: List Creditors Who Have Secured Claims

2. List in alphabetical order all creditors who have secured claims. If a creditor has more than one secured claim, list the creditor separately for each claim.

		Column A	Column B
		Amount of claim	Value of collateral that supports this claim
		Do not deduct the value of collateral.	
2.1	HomeTrust Bank	\$12,500,000.00	Unknown
	Creditor's Name		
	100 Queens Road		
	Charlotte, NC 28204		
	Creditor's mailing address		
	Date debt was incurred		
	Last 4 digits of account number		
	Do multiple creditors have an interest in the same property?		
	<input checked="" type="checkbox"/> No		
	<input type="checkbox"/> Yes. Specify each creditor, including this creditor and its relative priority.		
	Describe debtor's property that is subject to a lien		
	Describe the lien		
	Is the creditor an insider or related party?		
	<input checked="" type="checkbox"/> No		
	<input type="checkbox"/> Yes		
	Is anyone else liable on this claim?		
	<input checked="" type="checkbox"/> No		
	<input type="checkbox"/> Yes. Fill out <i>Schedule H: Codebtors</i> (Official Form 206H)		
	As of the petition filing date, the claim is:		
	Check all that apply		
	<input type="checkbox"/> Contingent		
	<input type="checkbox"/> Unliquidated		
	<input checked="" type="checkbox"/> Disputed		

3. Total of the dollar amounts from Part 1, Column A, including the amounts from the Additional Page, if any.

\$12,500,000.00

Part 2: List Others to Be Notified for a Debt Already Listed in Part 1

List in alphabetical order any others who must be notified for a debt already listed in Part 1. Examples of entities that may be listed are collection agencies, assignees of claims listed above, and attorneys for secured creditors.

If no others need to be notified for the debts listed in Part 1, do not fill out or submit this page. If additional pages are needed, copy this page.

Name and address

On which line in Part 1 did you enter the related creditor?

Last 4 digits of account number for this entity

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Official Form 206E/F

Schedule E/F: Creditors Who Have Unsecured Claims

12/15

Be as complete and accurate as possible. Use Part 1 for creditors with PRIORITY unsecured claims and Part 2 for creditors with NONPRIORITY unsecured claims. List the other party to any executory contracts or unexpired leases that could result in a claim. Also list executory contracts on *Schedule A/B: Assets - Real and Personal Property* (Official Form 206A/B) and on *Schedule G: Executory Contracts and Unexpired Leases* (Official Form 206G). Number the entries in Parts 1 and 2 in the boxes on the left. If more space is needed for Part 1 or Part 2, fill out and attach the Additional Page of that Part included in this form.

Part 1: List All Creditors with PRIORITY Unsecured Claims

1. Do any creditors have priority unsecured claims? (See 11 U.S.C. § 507).

☒ No. Go to Part 2.

☐ Yes. Go to line 2.

Part 2: List All Creditors with NONPRIORITY Unsecured Claims

3. List in alphabetical order all of the creditors with nonpriority unsecured claims. If the debtor has more than 6 creditors with nonpriority unsecured claims, fill out and attach the Additional Page of Part 2.

3.1 Nonpriority creditor's name and mailing address

As of the petition filing date, the claim is: Check all that apply.

- ☐ Contingent
☐ Unliquidated
☐ Disputed

Date or dates debt was incurred

Last 4 digits of account number

Basis for the claim:

Is the claim subject to offset? ☐ No ☐ Yes

Part 3: List Others to Be Notified About Unsecured Claims

4. List in alphabetical order any others who must be notified for claims listed in Parts 1 and 2. Examples of entities that may be listed are collection agencies, assignees of claims listed above, and attorneys for unsecured creditors.

If no others need to be notified for the debts listed in Parts 1 and 2, do not fill out or submit this page. If additional pages are needed, copy the next page.

Name and mailing address

On which line in Part 1 or Part 2 is the related creditor (if any) listed?

Last 4 digits of account number, if any

Part 4: Total Amounts of the Priority and Nonpriority Unsecured Claims

5. Add the amounts of priority and nonpriority unsecured claims.

5a. Total claims from Part 1

5b. Total claims from Part 2

5c. Total of Parts 1 and 2
 Lines 5a + 5b = 5c.

Total of claim amounts	
5a.	\$ 0.00
5b. +	\$ 0.00
5c.	\$ 0.00

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Official Form 206G

Schedule G: Executory Contracts and Unexpired Leases

12/15

Be as complete and accurate as possible. If more space is needed, copy and attach the additional page, number the entries consecutively.

1. Does the debtor have any executory contracts or unexpired leases?

☐ No. Check this box and file this form with the debtor's other schedules. There is nothing else to report on this form.

☒ Yes. Fill in all of the information below even if the contacts of leases are listed on *Schedule A/B: Assets - Real and Personal* (Official Form 206A/B).

Property

2. List all contracts and unexpired leases

State the name and mailing address for all other parties with whom the debtor has an executory contract or unexpired lease

2.1. State what the contract or lease is for and the nature of the debtor's interest **Internet Services**

State the term remaining

List the contract number of any government contract

**BCN Telecom, Inc.
1200 Mount Kemble Avenue
Morristown, NJ 07960**

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Official Form 206H

Schedule H: Your Codebtors

12/15

Be as complete and accurate as possible. If more space is needed, copy the Additional Page, numbering the entries consecutively. Attach the Additional Page to this page.

1. Do you have any codebtors?

☐ No. Check this box and submit this form to the court with the debtor's other schedules. Nothing else needs to be reported on this form.

☒ Yes

2. In Column 1, list as codebtors all of the people or entities who are also liable for any debts listed by the debtor in the schedules of creditors, Schedules D-G. Include all guarantors and co-obligors. In Column 2, identify the creditor to whom the debt is owed and each schedule on which the creditor is listed. If the codebtor is liable on a debt to more than one creditor, list each creditor separately in Column 2.

Column 1: **Codebtor**

Column 2: **Creditor**

Name

Mailing Address

Name

Check all schedules that apply:

2.1	AETIUS COMPANIES, LLC	6100 Fairview Road, Suite 1156 Charlotte, NC 28210	HomeTrust Bank	<input type="checkbox"/> D _____ <input type="checkbox"/> E/F _____ <input type="checkbox"/> G _____
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2.2	AETIUS FRANCHISING, LLC,	6100 Fairview Road, Suite 1156 Charlotte, NC 28210	HomeTrust Bank	<input type="checkbox"/> D _____ <input type="checkbox"/> E/F _____ <input type="checkbox"/> G _____
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2.3	AETIUS INTERMEDIATE COMPANY, LLC,	6100 Fairview Road, Suite 1156 Charlotte, NC 28210	HomeTrust Bank	<input type="checkbox"/> D _____ <input type="checkbox"/> E/F _____ <input type="checkbox"/> G _____
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2.4	AETIUS RESTAURANT HOLDINGS, LLC,	6100 Fairview Road, Suite 1156 Charlotte, NC 28210	HomeTrust Bank	<input type="checkbox"/> D _____ <input type="checkbox"/> E/F _____ <input type="checkbox"/> G _____
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2.5	ANDERSON WINGS, LLC	6100 Fairview Road, Suite 1156 Charlotte, NC 28210	HomeTrust Bank	<input type="checkbox"/> D _____ <input type="checkbox"/> E/F _____ <input type="checkbox"/> G _____
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Debtor **Aetius Restaurant Group, LLC**

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Additional Page to List More Codebtors

Copy this page only if more space is needed. Continue numbering the lines sequentially from the previous page.

Column 1: Codebtor

Column 2: Creditor

2.6	BLUFFTON WINGS, LLC	6100 Fairview Road, Suite 1156 Charlotte, NC 28210	HomeTrust Bank	<input type="checkbox"/> D _____ <input type="checkbox"/> E/F _____ <input type="checkbox"/> G _____
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2.7	CHARLOTTE UPTOWN WINGS LLC,	210 East Trade Street, Suite D-262 Charlotte, NC 28202	HomeTrust Bank	<input type="checkbox"/> D _____ <input type="checkbox"/> E/F _____ <input type="checkbox"/> G _____
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2.8	COLUMBIANA WINGS, LLC	1150 Bower Parkway Columbia, SC 29212	HomeTrust Bank	<input type="checkbox"/> D _____ <input type="checkbox"/> E/F _____ <input type="checkbox"/> G _____
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2.9	DUNWOODY WINGS LLC	4768 Ashford Dunwoody Road Atlanta, GA 30338	HomeTrust Bank	<input type="checkbox"/> D _____ <input type="checkbox"/> E/F _____ <input type="checkbox"/> G _____
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2.10	GASTONIA WINGS LLC	6100 Fairview Road, Suite 1156 Charlotte, NC 28210	HomeTrust Bank	<input type="checkbox"/> D _____ <input type="checkbox"/> E/F _____ <input type="checkbox"/> G _____
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2.11	GREENVILLE WWC LLC	6100 Fairview Road, Suite 1156 Charlotte, NC 28210	HomeTrust Bank	<input type="checkbox"/> D _____ <input type="checkbox"/> E/F _____ <input type="checkbox"/> G _____
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2.12	JACKSONVILLE WWC, LLC	6100 Fairview Road, Suite 1156 Charlotte, NC 28210	HomeTrust Bank	<input type="checkbox"/> D _____ <input type="checkbox"/> E/F _____ <input type="checkbox"/> G _____
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2.13	NORTH CHARLESTON WINGS, LLC	6100 Fairview Road, Suite 1156 Charlotte, NC 28210	HomeTrust Bank	<input type="checkbox"/> D _____ <input type="checkbox"/> E/F _____ <input type="checkbox"/> G _____
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Debtor **Aetius Restaurant Group, LLC**

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Additional Page to List More Codebtors

Copy this page only if more space is needed. Continue numbering the lines sequentially from the previous page.

Column 1: Codebtor

Column 2: Creditor

2.14	RALEIGH WINGS, LLC	6100 Fairview Road, Suite 1156 Charlotte, NC 28210	HomeTrust Bank	<input type="checkbox"/> D _____ <input type="checkbox"/> E/F _____ <input type="checkbox"/> G _____
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2.15	SANDHILL WING LLC	480 Town Center Place, Suite Columbia, SC 29229	HomeTrust Bank	<input type="checkbox"/> D _____ <input type="checkbox"/> E/F _____ <input type="checkbox"/> G _____
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2.16	SAVANNAH WWC, LLC	6100 Fairview Road, Suite 1156 Charlotte, NC 28210	HomeTrust Bank	<input type="checkbox"/> D _____ <input type="checkbox"/> E/F _____ <input type="checkbox"/> G _____
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2.17	SW CHARLOTTE, LLC	6100 Fairview Road, Suite 1156 Charlotte, NC 28210	HomeTrust Bank	<input type="checkbox"/> D _____ <input type="checkbox"/> E/F _____ <input type="checkbox"/> G _____
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2.18	VISTA WINGS, LLC	6100 Fairview Road, Suite 1156 Charlotte, NC 28210	HomeTrust Bank	<input type="checkbox"/> D _____ <input type="checkbox"/> E/F _____ <input type="checkbox"/> G _____
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2.19	WILD WING OF AIKEN, LLC	470 Fabian Drive Aiken, SC 29803	HomeTrust Bank	<input type="checkbox"/> D _____ <input type="checkbox"/> E/F _____ <input type="checkbox"/> G _____
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2.20	WILD WING OF HILTON HEAD LLC	72 Pope Ave Hilton Head Island, SC 29928	HomeTrust Bank	<input type="checkbox"/> D _____ <input type="checkbox"/> E/F _____ <input type="checkbox"/> G _____
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2.21	WILD WINGS OF MCDONOUGH, LLC	6100 Fairview Road, Suite 1156 Charlotte, NC 28210	HomeTrust Bank	<input type="checkbox"/> D _____ <input type="checkbox"/> E/F _____ <input type="checkbox"/> G _____
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Debtor **Aetius Restaurant Group, LLC**

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Additional Page to List More Codebtors

Copy this page only if more space is needed. Continue numbering the lines sequentially from the previous page.

Column 1: Codebtor

Column 2: Creditor

2.22	WILMINGTON WINGS LLC	6100 Fairview Road, Suite 1156 Charlotte, NC 28210	HomeTrust Bank	<input type="checkbox"/> D _____ <input type="checkbox"/> E/F _____ <input type="checkbox"/> G _____
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2.23	WINGS OVER SPARTANBURG II, LLC	111 W. Main Street Spartanburg, SC 29306	HomeTrust Bank	<input type="checkbox"/> D _____ <input type="checkbox"/> E/F _____ <input type="checkbox"/> G _____
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2.24	WINGS OVER SPARTANBURG, LLC	6100 Fairview Road, Suite 1156 Charlotte, NC 28210	HomeTrust Bank	<input type="checkbox"/> D _____ <input type="checkbox"/> E/F _____ <input type="checkbox"/> G _____
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Official Form 207

Statement of Financial Affairs for Non-Individuals Filing for Bankruptcy

04/22

The debtor must answer every question. If more space is needed, attach a separate sheet to this form. On the top of any additional pages, write the debtor's name and case number (if known).

Part 1: Income

1. Gross revenue from business

☐ None.

Identify the beginning and ending dates of the debtor's fiscal year, which may be a calendar year

Sources of revenue
Check all that apply

Gross revenue
(before deductions and exclusions)

2. Non-business revenue

Include revenue regardless of whether that revenue is taxable. *Non-business income* may include interest, dividends, money collected from lawsuits, and royalties. List each source and the gross revenue for each separately. Do not include revenue listed in line 1.

☐ None.

Description of sources of revenue

Gross revenue from each source
(before deductions and exclusions)

Part 2: List Certain Transfers Made Before Filing for Bankruptcy

3. Certain payments or transfers to creditors within 90 days before filing this case

List payments or transfers—including expense reimbursements—to any creditor, other than regular employee compensation, within 90 days before filing this case unless the aggregate value of all property transferred to that creditor is less than \$7,575. (This amount may be adjusted on 4/01/25 and every 3 years after that with respect to cases filed on or after the date of adjustment.)

☐ None.

Creditor's Name and Address

Dates

Total amount of value

Reasons for payment or transfer
Check all that apply

4. Payments or other transfers of property made within 1 year before filing this case that benefited any insider

List payments or transfers, including expense reimbursements, made within 1 year before filing this case on debts owed to an insider or guaranteed or cosigned by an insider unless the aggregate value of all property transferred to or for the benefit of the insider is less than \$7,575. (This amount may be adjusted on 4/01/25 and every 3 years after that with respect to cases filed on or after the date of adjustment.) Do not include any payments listed in line 3. *Insiders* include officers, directors, and anyone in control of a corporate debtor and their relatives; general partners of a partnership debtor and their relatives; affiliates of the debtor and insiders of such affiliates; and any managing agent of the debtor. 11 U.S.C. § 101(31).

☐ None.

Insider's name and address
Relationship to debtor

Dates

Total amount of value

Reasons for payment or transfer

5. Repossessions, foreclosures, and returns

List all property of the debtor that was obtained by a creditor within 1 year before filing this case, including property repossessed by a creditor, sold at a foreclosure sale, transferred by a deed in lieu of foreclosure, or returned to the seller. Do not include property listed in line 6.

Debtor **Aetius Restaurant Group, LLC**Case number (if known) **23-30473**☒ None

Creditor's name and address	Describe of the Property	Date	Value of property
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6. Setoffs

List any creditor, including a bank or financial institution, that within 90 days before filing this case set off or otherwise took anything from an account of the debtor without permission or refused to make a payment at the debtor's direction from an account of the debtor because the debtor owed a debt.

☒ None

Creditor's name and address	Description of the action creditor took	Date action was taken	Amount
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Part 3: Legal Actions or Assignments**7. Legal actions, administrative proceedings, court actions, executions, attachments, or governmental audits**

List the legal actions, proceedings, investigations, arbitrations, mediations, and audits by federal or state agencies in which the debtor was involved in any capacity—within 1 year before filing this case.

☐ None.

	Case title Case number	Nature of case	Court or agency's name and address	Status of case
7.1.	Duane L. Huffman v. Aetius Companies, LLC, Aetius Restaurant Group, LLC, 455 SSSB, LLC and Courtney W. Collins 2023-CA-000954	Collections	Duval County, FL, Circuit Court	<input checked="" type="checkbox"/> Pending <input type="checkbox"/> On appeal <input type="checkbox"/> Concluded
7.2.	HomeTrust Bank vs. Aetius Companies, LLC, Aetius Intermediate Company, LLC, Aetius Franchising, LLC, Aetius Restaurant Holdings, LLC, Aetius Restaurant Group, LLC, Jacksonville WWC, LLC, Savannah WWC, LLC, SW Charlotte, LLC, Charlotte Uptown Wings LLC, Gastonia Wings LLC, Raleigh Wings, LLC, Wilmington Wings LLC, Anderson Wings, LLC, Columbiana Wings, LLC, Sandhill Wing LLC, Vista Wings LLC, Greenville WWC LLC, Wild Wing of Hilton Head LLC, Wings Over Spartanburg LLC, Wings Over Spartanburg II, 23CV02549			<input checked="" type="checkbox"/> Pending <input type="checkbox"/> On appeal <input type="checkbox"/> Concluded
7.3.	Georgia Air & Refrigeration, Inc. v. Aetius Restuarant Group, LLC 23-A-03114-11		Superior Court of Gwinnett County, GA	<input checked="" type="checkbox"/> Pending <input type="checkbox"/> On appeal <input type="checkbox"/> Concluded

8. Assignments and receivership

List any property in the hands of an assignee for the benefit of creditors during the 120 days before filing this case and any property in the hands of a receiver, custodian, or other court-appointed officer within 1 year before filing this case.

Debtor **Aetius Restaurant Group, LLC**Case number (if known) **23-30473**☐ None**Part 4: Certain Gifts and Charitable Contributions**

9. List all gifts or charitable contributions the debtor gave to a recipient within 2 years before filing this case unless the aggregate value of the gifts to that recipient is less than \$1,000

☐ None

Recipient's name and address	Description of the gifts or contributions	Dates given	Value
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Part 5: Certain Losses

10. All losses from fire, theft, or other casualty within 1 year before filing this case.

☐ None

Description of the property lost and how the loss occurred	Amount of payments received for the loss <small>If you have received payments to cover the loss, for example, from insurance, government compensation, or tort liability, list the total received. List unpaid claims on Official Form 106A/B (Schedule A/B: Assets – Real and Personal Property).</small>	Dates of loss	Value of property lost
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Part 6: Certain Payments or Transfers

11. Payments related to bankruptcy

List any payments of money or other transfers of property made by the debtor or person acting on behalf of the debtor within 1 year before the filing of this case to another person or entity, including attorneys, that the debtor consulted about debt consolidation or restructuring, seeking bankruptcy relief, or filing a bankruptcy case.

☐ None.

Who was paid or who received the transfer? Address	If not money, describe any property transferred	Dates	Total amount or value
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12. Self-settled trusts of which the debtor is a beneficiary

List any payments or transfers of property made by the debtor or a person acting on behalf of the debtor within 10 years before the filing of this case to a self-settled trust or similar device.
Do not include transfers already listed on this statement.

☐ None.

Name of trust or device	Describe any property transferred	Dates transfers were made	Total amount or value
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13. Transfers not already listed on this statement

List any transfers of money or other property by sale, trade, or any other means made by the debtor or a person acting on behalf of the debtor within 2 years before the filing of this case to another person, other than property transferred in the ordinary course of business or financial affairs. Include both outright transfers and transfers made as security. Do not include gifts or transfers previously listed on this statement.

☐ None.

Who received transfer? Address	Description of property transferred or payments received or debts paid in exchange	Date transfer was made	Total amount or value
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Part 7: Previous Locations

14. Previous addresses

List all previous addresses used by the debtor within 3 years before filing this case and the dates the addresses were used.

☐ Does not apply

Debtor **Aetius Restaurant Group, LLC**Case number (if known) **23-30473**

Address

Dates of occupancy
From-To**Part 8: Health Care Bankruptcies****15. Health Care bankruptcies**

Is the debtor primarily engaged in offering services and facilities for:
 - diagnosing or treating injury, deformity, or disease, or
 - providing any surgical, psychiatric, drug treatment, or obstetric care?

- ☐ No. Go to Part 9.
☐ Yes. Fill in the information below.

Facility name and address

Nature of the business operation, including type of services
the debtor providesIf debtor provides meals
and housing, number of
patients in debtor's care**Part 9: Personally Identifiable Information****16. Does the debtor collect and retain personally identifiable information of customers?**

- ☐ No.
☐ Yes. State the nature of the information collected and retained.

17. Within 6 years before filing this case, have any employees of the debtor been participants in any ERISA, 401(k), 403(b), or other pension or profit-sharing plan made available by the debtor as an employee benefit?

- ☐ No. Go to Part 10.
☐ Yes. Does the debtor serve as plan administrator?

Part 10: Certain Financial Accounts, Safe Deposit Boxes, and Storage Units**18. Closed financial accounts**

Within 1 year before filing this case, were any financial accounts or instruments held in the debtor's name, or for the debtor's benefit, closed, sold, moved, or transferred?
 Include checking, savings, money market, or other financial accounts; certificates of deposit; and shares in banks, credit unions, brokerage houses, cooperatives, associations, and other financial institutions.

☐ NoneFinancial Institution name and
AddressLast 4 digits of
account numberType of account or
instrumentDate account was
closed, sold,
moved, or
transferredLast balance
before closing or
transfer**19. Safe deposit boxes**

List any safe deposit box or other depository for securities, cash, or other valuables the debtor now has or did have within 1 year before filing this case.

☐ None

Depository institution name and address

Names of anyone with
access to it
Address

Description of the contents

Does debtor
still have it?**20. Off-premises storage**

List any property kept in storage units or warehouses within 1 year before filing this case. Do not include facilities that are in a part of a building in which the debtor does business.

☐ None

Facility name and address

Names of anyone with
access to it

Description of the contents

Does debtor
still have it?

Debtor **Aetius Restaurant Group, LLC**Case number (if known) **23-30473****Part 11: Property the Debtor Holds or Controls That the Debtor Does Not Own****21. Property held for another**

List any property that the debtor holds or controls that another entity owns. Include any property borrowed from, being stored for, or held in trust. Do not list leased or rented property.

☒ None

Part 12: Details About Environment Information

For the purpose of Part 12, the following definitions apply:

Environmental law means any statute or governmental regulation that concerns pollution, contamination, or hazardous material, regardless of the medium affected (air, land, water, or any other medium).

Site means any location, facility, or property, including disposal sites, that the debtor now owns, operates, or utilizes or that the debtor formerly owned, operated, or utilized.

Hazardous material means anything that an environmental law defines as hazardous or toxic, or describes as a pollutant, contaminant, or a similarly harmful substance.

Report all notices, releases, and proceedings known, regardless of when they occurred.

22. Has the debtor been a party in any judicial or administrative proceeding under any environmental law? Include settlements and orders.

- ☒ No.
☐ Yes. Provide details below.

Case title
Case number

Court or agency name and
address

Nature of the case

Status of case

23. Has any governmental unit otherwise notified the debtor that the debtor may be liable or potentially liable under or in violation of an environmental law?

- ☒ No.
☐ Yes. Provide details below.

Site name and address

Governmental unit name and
address

Environmental law, if known

Date of notice

24. Has the debtor notified any governmental unit of any release of hazardous material?

- ☒ No.
☐ Yes. Provide details below.

Site name and address

Governmental unit name and
address

Environmental law, if known

Date of notice

Part 13: Details About the Debtor's Business or Connections to Any Business**25. Other businesses in which the debtor has or has had an interest**

List any business for which the debtor was an owner, partner, member, or otherwise a person in control within 6 years before filing this case. Include this information even if already listed in the Schedules.

☐ None

Business name address

Describe the nature of the business

Employer Identification number

Do not include Social Security number or ITIN.

Dates business existed

EIN:

From-To

25.1. **Wild Wing of Hilton Head LLC**
72 Pope Ave
Hilton Head Island, SC 29928

Debtor **Aetius Restaurant Group, LLC**

Case number (if known) **23-30473**

Business name address	Describe the nature of the business	Employer Identification number Do not include Social Security number or ITIN.
		Dates business existed EIN: From-To
25.2. Greenville Wings, LLC 6100 Fairview Road, Suite 1156 Charlotte, NC 28210		EIN: From-To
25.3. Wilmington Wings LLC 6100 Fairview Road, Suite 1156 Charlotte, NC 28210		EIN: From-To
25.4. Bluffton Wings, LLC 6100 Fairview Road, Suite 1156 Charlotte, NC 28210		EIN: From-To
25.5. Vista Wings, LLC 6100 Fairview Road, Suite 1156 Charlotte, NC 28210		EIN: From-To
25.6. Anderson Wings, LLC 6100 Fairview Road, Suite 1156 Charlotte, NC 28210		EIN: From-To
25.7. Jacksonville WWC, LLC 6100 Fairview Road, Suite 1156 Charlotte, NC 28210		EIN: From-To
25.8. Greenville WWC LLC 6100 Fairview Road, Suite 1156 Charlotte, NC 28210		EIN: From-To
25.9. Raleigh Wings, LLC 6100 Fairview Road, Suite 1156 Charlotte, NC 28210		EIN: From-To
25.10. Mt. Pleasant Wings, LLC 6100 Fairview Road, Suite 1156 Charlotte, NC 28210		EIN: From-To
25.11. North Charleston Wings, LLC 6100 Fairview Road, Suite 1156 Charlotte, NC 28210		EIN: From-To

Debtor **Aetius Restaurant Group, LLC**

Case number (if known) **23-30473**

Business name address	Describe the nature of the business	Employer Identification number Do not include Social Security number or ITIN.
25.12 South Carolina Wings, LLC 6100 Fairview Road, Suite 1156 Charlotte, NC 28210		Dates business existed EIN: From-To
25.13 Columbiana Wings, LLC 1150 Bower Parkway Columbia, SC 29212		EIN: From-To
25.14 Wings Over Spartanburg, LLC 6100 Fairview Road, Suite 1156 Charlotte, NC 28210		EIN: From-To
25.15 Sandhill Wing LLC 480 Town Center Place, Suite 2 Columbia, SC 29229		EIN: From-To
25.16 Savannah WWC, LLC 6100 Fairview Road, Suite 1156 Charlotte, NC 28210		EIN: From-To
25.17 Gastonia Wings LLC 6100 Fairview Road, Suite 1156 Charlotte, NC 28210		EIN: From-To
25.18 Charlotte Uptown Wings LLC 210 East Trade Street, Suite D-262 Charlotte, NC 28202		EIN: From-To
25.19 SW Charlotte, LLC 6100 Fairview Road, Suite 1156 Charlotte, NC 28210		EIN: From-To

26. **Books, records, and financial statements**

26a. List all accountants and bookkeepers who maintained the debtor's books and records within 2 years before filing this case.

☒ None

Name and address

**Date of service
From-To**

26b. List all firms or individuals who have audited, compiled, or reviewed debtor's books of account and records or prepared a financial statement within 2 years before filing this case.

☒ None

26c. List all firms or individuals who were in possession of the debtor's books of account and records when this case is filed.

Debtor **Aetius Restaurant Group, LLC**Case number (if known) **23-30473**☒ None**Name and address****If any books of account and records are unavailable, explain why**

26d. List all financial institutions, creditors, and other parties, including mercantile and trade agencies, to whom the debtor issued a financial statement within 2 years before filing this case.

☒ None**Name and address****27. Inventories**

Have any inventories of the debtor's property been taken within 2 years before filing this case?

☒ No☐ Yes. Give the details about the two most recent inventories.**Name of the person who supervised the taking of the inventory****Date of inventory****The dollar amount and basis (cost, market, or other basis) of each inventory**

28. List the debtor's officers, directors, managing members, general partners, members in control, controlling shareholders, or other people in control of the debtor at the time of the filing of this case.

Name	Address	Position and nature of any interest	% of interest, if any
Denis Ackah-Yensu,		Manager	

Name	Address	Position and nature of any interest	% of interest, if any
Muhsin Muhammad II		Manager	

Name	Address	Position and nature of any interest	% of interest, if any
Mark Cote		CEO	

29. Within 1 year before the filing of this case, did the debtor have officers, directors, managing members, general partners, members in control of the debtor, or shareholders in control of the debtor who no longer hold these positions?

☐ No☒ Yes. Identify below.

Name	Address	Position and nature of any interest	Period during which position or interest was held
Steven Weigel		Officer	

Name	Address	Position and nature of any interest	Period during which position or interest was held
Timothy Walsh		Officer	

30. Payments, distributions, or withdrawals credited or given to insiders

Within 1 year before filing this case, did the debtor provide an insider with value in any form, including salary, other compensation, draws, bonuses, loans, credits on loans, stock redemptions, and options exercised?

Debtor **Aetius Restaurant Group, LLC**Case number (if known) **23-30473**

- ☒ No
☐ Yes. Identify below.

Name and address of recipient

Amount of money or description and value of property

Dates

Reason for providing the value

31. Within 6 years before filing this case, has the debtor been a member of any consolidated group for tax purposes?

- ☐ No
☒ Yes. Identify below.

Name of the parent corporation

Aetius Companies, LLC

Employer Identification number of the parent corporation

EIN: **45-3856613**

32. Within 6 years before filing this case, has the debtor as an employer been responsible for contributing to a pension fund?

- ☒ No
☐ Yes. Identify below.

Name of the pension fund

Employer Identification number of the pension fund

Part 14: Signature and Declaration

WARNING -- Bankruptcy fraud is a serious crime. Making a false statement, concealing property, or obtaining money or property by fraud in connection with a bankruptcy case can result in fines up to \$500,000 or imprisonment for up to 20 years, or both. 18 U.S.C. §§ 152, 1341, 1519, and 3571.

I have examined the information in this *Statement of Financial Affairs* and any attachments and have a reasonable belief that the information is true and correct.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on **August 18, 2023****/s/ Mark Cote**

Signature of individual signing on behalf of the debtor

Mark Cote

Printed name

Position or relationship to debtor **CEO**Are additional pages to *Statement of Financial Affairs for Non-Individuals Filing for Bankruptcy* (Official Form 207) attached?

- ☒ No
☐ Yes

B2030 (Form 2030) (12/15)

**United States Bankruptcy Court
Western District of North Carolina**

In re **Aetius Restaurant Group, LLC**

Debtor(s)

Case No. **23-30473**

Chapter **11**

DISCLOSURE OF COMPENSATION OF ATTORNEY FOR DEBTOR(S)

1. Pursuant to 11 U.S.C. § 329(a) and Fed. Bankr. P. 2016(b), I certify that I am the attorney for the above named debtor(s) and that compensation paid to me within one year before the filing of the petition in bankruptcy, or agreed to be paid to me, for services rendered or to be rendered on behalf of the debtor(s) in contemplation of or in connection with the bankruptcy case is as follows:

For legal services, I have agreed to accept	\$	50,513.50
Prior to the filing of this statement I have received	\$	85,760.00
Balance Due	\$	0.00

2. The source of the compensation paid to me was:

☒ Debtor ☒ Other (specify): **Axum Capital Partners**

3. The source of compensation to be paid to me is:

☒ Debtor ☐ Other (specify):

4. ☒ I have not agreed to share the above-disclosed compensation with any other person unless they are members and associates of my law firm.

☐ I have agreed to share the above-disclosed compensation with a person or persons who are not members or associates of my law firm. A copy of the agreement, together with a list of the names of the people sharing in the compensation is attached.

5. In return for the above-disclosed fee, I have agreed to render legal service for all aspects of the bankruptcy case, including:

- a. Analysis of the debtor's financial situation, and rendering advice to the debtor in determining whether to file a petition in bankruptcy;
- b. Preparation and filing of any petition, schedules, statement of affairs and plan which may be required;
- c. Representation of the debtor at the meeting of creditors and confirmation hearing, and any adjourned hearings thereof;
- d. [Other provisions as needed]

\$40,000 was paid to Trust on 5/10/23; \$11,000 was paid to Trust on 7/18/23. HSSM provided prepetition services and incurred expenses of \$50,513.50, which were paid in full in advance of the bankruptcy filing from the Trust deposit, leaving a current balance of \$486.50. The Debtors also transferred \$34,760 to HSSM prior to the bankruptcy filing, which was applied to Debtors' filing fees in connection with instituting their Chapter 11 Voluntary Petitions. Debtors have agreed to pay post-petition fees and expenses as approved by the Bankruptcy Court.

6. By agreement with the debtor(s), the above-disclosed fee does not include the following service:

Continued representation of the Debtors in the event the cases are converted from Chapter 11 to another Chapter of the Bankruptcy Code; adversary proceedings filed against the Debtors; and post-petition work or fees, which will be submitted to the Court for approval in accordance with the Bankruptcy Code.

CERTIFICATION

I certify that the foregoing is a complete statement of any agreement or arrangement for payment to me for representation of the debtor(s) in this bankruptcy proceeding.

8/18/23

Date

/s/ Robert A. Cox, Jr.

Robert A. Cox, Jr. 21998

Signature of Attorney

Hamilton Stephens Steele + Martin, PLLC

525 North Tryon Street, Suite 1400

Charlotte, NC 28202

704-344-1117 Fax: 704-344-1483

rcox@lawhssm.com

Name of law firm

**United States Bankruptcy Court
Western District of North Carolina**

In re **Aetius Restaurant Group, LLC**

Debtor(s)

Case No. **23-30473**
Chapter **11**

LIST OF EQUITY SECURITY HOLDERS

Following is the list of the Debtor's equity security holders which is prepared in accordance with rule 1007(a)(3) for filing in this Chapter 11 Case

Name and last known address or place of business of holder	Security Class	Number of Securities	Kind of Interest
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Aetius Restaurant Holdings, LLC

DECLARATION UNDER PENALTY OF PERJURY ON BEHALF OF CORPORATION OR PARTNERSHIP

I, the **CEO** of the corporation named as the debtor in this case, declare under penalty of perjury that I have read the foregoing List of Equity Security Holders and that it is true and correct to the best of my information and belief.

Date **August 18, 2023**

Signature **/s/ Mark Cote**
Mark Cote

*Penalty for making a false statement of concealing property: Fine of up to \$500,000 or imprisonment for up to 5 years or both.
18 U.S.C. §§ 152 and 3571.*

**United States Bankruptcy Court
Western District of North Carolina**

In re **Aetius Restaurant Group, LLC**

Debtor(s)

Case No. **23-30473**

Chapter **11**

VERIFICATION OF CREDITOR MATRIX

I, the CEO of the corporation named as the debtor in this case, hereby verify that the attached list of creditors is true and correct to the best of my knowledge.

Date: **August 18, 2023**

/s/ Mark Cote

Mark Cote/CEO

Signer/Title

AETIUS COMPANIES, LLC
6100 Fairview Road, Suite 1156
Charlotte, NC 28210

AETIUS FRANCHISING, LLC,
6100 Fairview Road, Suite 1156
Charlotte, NC 28210

AETIUS INTERMEDIATE COMPANY, LLC,
6100 Fairview Road, Suite 1156
Charlotte, NC 28210

AETIUS RESTAURANT HOLDINGS, LLC,
6100 Fairview Road, Suite 1156
Charlotte, NC 28210

ANDERSON WINGS, LLC
6100 Fairview Road, Suite 1156
Charlotte, NC 28210

BCN Telecom, Inc.
1200 Mount Kemble Avenue
Morristown, NJ 07960

BLUFFTON WINGS, LLC
6100 Fairview Road, Suite 1156
Charlotte, NC 28210

CHARLOTTE UPTOWN WINGS LLC,
210 East Trade Street, Suite D-262
Charlotte, NC 28202

COLUMBIANA WINGS, LLC
1150 Bower Parkway
Columbia, SC 29212

DUNWOODY WINGS LLC
4768 Ashford Dunwoody Road
Atlanta, GA 30338

GASTONIA WINGS LLC
6100 Fairview Road, Suite 1156
Charlotte, NC 28210

GREENVILLE WWC LLC
6100 Fairview Road, Suite 1156
Charlotte, NC 28210

HomeTrust Bank
100 Queens Road
Charlotte, NC 28204

JACKSONVILLE WWC, LLC
6100 Fairview Road, Suite 1156
Charlotte, NC 28210

NORTH CHARLESTON WINGS, LLC
6100 Fairview Road, Suite 1156
Charlotte, NC 28210

RALEIGH WINGS, LLC
6100 Fairview Road, Suite 1156
Charlotte, NC 28210

SANDHILL WING LLC
480 Town Center Place, Suite
Columbia, SC 29229

SAVANNAH WWC, LLC
6100 Fairview Road, Suite 1156
Charlotte, NC 28210

SW CHARLOTTE, LLC
6100 Fairview Road, Suite 1156
Charlotte, NC 28210

VISTA WINGS, LLC
6100 Fairview Road, Suite 1156
Charlotte, NC 28210

WILD WING OF AIKEN, LLC
470 Fabian Drive
Aiken, SC 29803

WILD WING OF HILTON HEAD LLC
72 Pope Ave
Hilton Head Island, SC 29928

WILD WINGS OF MCDONOUGH, LLC
6100 Fairview Road, Suite 1156
Charlotte, NC 28210

WILMINGTON WINGS LLC
6100 Fairview Road, Suite 1156
Charlotte, NC 28210

WINGS OVER SPARTANBURG II, LLC
111 W. Main Street
Spartanburg, SC 29306

WINGS OVER SPARTANBURG, LLC
6100 Fairview Road, Suite 1156
Charlotte, NC 28210